

Supreme Court of Kentucky

ORDER

**IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND
PROCEDURE FOR THE 46th JUDICIAL DISTRICT,
BRECKINRIDGE, GRAYSON, AND MEADE DISTRICT COURTS**

Upon recommendation of the Chief District Judge of the 46th Judicial District, Breckinridge, Grayson, and Meade District Courts, and being otherwise sufficiently advised,

The Local Rules of Practice and Procedure for Breckinridge, Grayson, and Meade District Courts are hereby approved. This order shall be effective as of the date of this order and shall remain in effect until further orders of this court.

Entered this the 28th day of March 2019.


CHIEF JUSTICE

**RULES OF PRACTICE AND PROCEDURE
46TH JUDICIAL DISTRICT
BRECKINRIDGE, GRAYSON & MEADE DISTRICT COURTS**

RULE 1 – INTRODUCTION/ADMINISTRATIVE PROCEDURE

1.01 - These rules apply to the practice of law in the Breckinridge, Grayson and Meade District Courts, both civil and criminal practices, and are intended to supplement the Kentucky Rules of Civil Procedure (CR) and the Kentucky Rules of Criminal Procedure. (RCr), and the Kentucky Family Court Rules of Procedure and Practice (FCRPP). These rules shall be enforced in all divisions of District Court.

1.02 – EFFECTIVE DATE

All rules of practice heretofore adopted by this Court shall be repealed and the following rules shall take effect and be effective April 01, 2019 if approved by the Chief Justice under Supreme Court Rule (SCR) 1.040.

1.03 – CITATION

These rules shall be cited as the 46th Judicial District Court Practice and Procedure. (46th DCR)

1.04 – DIVISIONS

A. Division I of the 46th Judicial District shall preside in Breckinridge (Criminal, Civil, Small Claims) and Grayson counties in odd numbered months and in Breckinridge (Juvenile and Probate) and Meade Counties in even numbered months.

B. Division II of the 46th Judicial District shall preside in Breckinridge (Juvenile and Probate) Meade Counties in odd numbered months and in Breckinridge (Criminal, Civil, Small Claims) and Grayson counties in even numbered months.

1.05 – HOLIDAYS

The 46th Judicial District shall follow the Kentucky Court of Justice holiday schedule.

1.06 – CHIEF JUDGE

Pursuant to SCR 1.040(2), the judges shall, by agreement, designate one (1) among themselves to serve as Chief Administrative Judge.

1.07 – MODIFICATION OF RULES

The Chief Administrative Judge of the 46th Judicial District may for good cause and/or in the interest of justice, at any time and without notice, modify or suspend any or all of these rules which modification or suspension shall have immediate effect, subject to approval by the Kentucky Supreme Court when required.

Unless otherwise provided, any amendment, deletions from, additions or modifications to these rules shall take effect thirty (30) days after the adoption thereof and the Kentucky Supreme Court's approval of same.

RULE 2 – COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING

2.01 – SESSIONS OF COURT

A. The District Court will convene in Breckinridge County on each Monday and Tuesday. The Court docket times (CT) in Breckinridge County on the regularly scheduled Court days are:

Monday	9:00 a.m.	Probate; Juvenile court;
Tuesday	9:00 a.m.	Criminal; (arraignments, pre-trials)
	10:30 a.m.	Preliminary hearings;
	1:00 p.m.	Domestic violence, child support/paternity matters, civil, small claims, forcible detainers, bench trials, and suppression hearings

B. The District Court will convene in Grayson County on Wednesday and Thursday of each week. The Court docket times (CT) in Grayson County on the regularly scheduled Court days are:

Wednesday 8:30 a.m. Pre-trial conferences;
9:00 a.m. Criminal; (arraignments)
11:00 a.m. Probate, forcible detainers and civil;
1:00 p.m. Domestic violence, child support/paternity,
preliminary hearings, bench trials and
suppression hearings

Thursday 9:00 a.m. Juvenile Court;
1:00 p.m. Smalls Claims and Probate

C. The District Court will convene in Meade County on each Tuesday and Wednesday. The Court docket times (ET) in Meade County on the regularly scheduled Court days are:

Tuesday 9:00 a.m. Juvenile court
11:00 a.m. Child support/paternity;
1:00 p.m. Small claims, Probate, forcible detainers, civil

Wednesday 9:00 a.m. Criminal (arraignments, pre-trials)
1:00 p.m. Domestic violence, preliminary hearings,
suppression hearings and bench trials

2.02 - Jury trials shall commence at 9:00 a.m., local prevailing time, unless otherwise set within these rules or by Court order. Counsel shall be present by 8:30 a.m., local prevailing time on the first day of any jury trial.

2.03 – EXCEPTION FOR REGULAR MOTION HOUR SCHEDULE

Exceptions to the regular motion hour schedule shall be at the discretion of the sitting District Judge.

2.04 – DOCKET DEADLINE

Except for good cause shown, all motions to be heard on regularly scheduled court days must be filed with the Clerk of the Court where the matter is to be

heard no later than close of business on the 3rd business day preceding said court day. (**Grayson**-preceding Friday; **Breckinridge**-preceding Thursday; **Meade**-preceding Thursday). This rule is not intended and does not modify the applicable procedural rules regarding notice; this rule is adopted solely for docketing purposes. IF THE MOTION IS NOT FILED BY THE ALLOTTED TIME, IT WILL BE RESCHEDULED FOR THE FOLLOWING WEEK.

RULE 3 – DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

3.01 – Twenty-four (24) Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol

The Twenty-four (24) Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the 46th Judicial District is located in Appendix A to these local rules and incorporated as if set out fully herein.

RULE 4 – PATERNITY

4.01 – See FCRPP 13.

RULE 5 – DEPENDENCY, ABUSE & NEGLECT

5.01 - See FCRPP 15-30.

RULE 6 – STATUS OFFENSE

There are no local rules related to Status Offense.

RULE 7 – MISCELLANEOUS RULES RELATING TO JUVENILE COURT

7.01 – Identification of Counsel or Party Required

Every pleading, motion and any other paper filed in the record by counsel or party shall contain the case number, typed or printed name, address, telephone number and e-mail address of the attorney or party signing the paper. A rubber stamp shall not be deemed a signature either under this Rule or CR 11.

7.02 – Protection of Personal Identifiers

A. In addition, all pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph B below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with Cr 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. The clerk of the court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court.

As used in this section, “personal identifier” means a Social Security number or tax-payer identification number, date of birth, or financial account number.

B. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not be redacted, and any access to those files shall be governed by JFPR 506 and by KRS 199.570, KRS 610.340, KRS 625.045 and KRS 625.108.

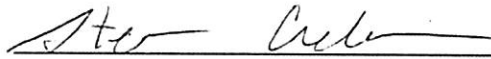
RULE 8- CIVIL/CRIMINAL PRACTICE RULE

8.01 – Any party, except one permitted to proceed *in forma pauperis*, who desires the appointment of a Warning Order Attorney or Military Warning Order Attorney shall deposit with the Clerk of the Court, at the time the request is made, the sum of ONE HUNDRED TWENTY-FIVE (\$125.00) DOLLARS as an advanced Warning Order/Military Warning Order Fee. Said fee shall include the cost of postage anticipated to be incurred by the Warning Order/Military Warning Order Attorney. In the event of extraordinary postage expense or public advertisement costs in excess of \$25.00, the Warning Order/Military Warning Order Attorney may file notice and application for additional costs.

8.02 – A. Counsel, whether appointed or retained, who has appeared on behalf of a party, will not be permitted to withdraw while the matter is still pending unless a motion for withdrawal is made based upon good cause, filed at least thirty (30) days prior to trial.

B. For purposes of responsibility for the receipt of notices and motions in post judgment practice, it shall be presumed that the representation of any party by counsel of record ceases upon the expiration of thirty (30) days after the entry of a final, appealable order or decree with no appeal having been taken.

Upon submission to and approval by the Chief Justice of the Supreme Court of the Commonwealth of Kentucky, the foregoing Rules are adopted this 28 day of March, 2019.



HON. STEVEN R. CREBESSA
DISTRICT JUDGE